

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLANDBILL NO. 90-13Introduced by Council Member HooperLegislative Day No. 90-10 Date April 3, 1990

AN ACT to add new Subsection B(8) to Section 267-27, Temporary Uses, of Article V, Supplementary Regulations, to repeal and reenact, with amendments, Subsection F(3) of Section 267-53, Specific Standards, of Article VIII, Special Exceptions, and to renumber Subsections F(4), (5), (6), (7) and (8) of Section 267-53, Specific Standards, of Article VIII, Special Exceptions, to be Subsections F(3), (4), (5), (6) and (7), respectively, all of Part 1, Standards, of Chapter 267, Zoning, of the Harford County Code, as amended; to permit a cottage house as a temporary second dwelling on a single lot in certain zoning districts under certain conditions; to establish when permission for the cottage house ends; to establish requirements and procedures for administration of this Act; to define certain terms; and generally relating to the use of cottage houses.

By the Council, April 3, 1990Introduced, read first time, ordered posted and public hearing scheduled
on: May 8, 1990
at: 6:00 P.M.By Order: Doris Poulsen, Secretary

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on May 8, 1990, and concluded on, May 8, 1990

Doris Poulsen, Secretary

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

Section 1. Be It Enacted By The County Council of Harford County, Maryland, that new Subsection B(8) is hereby added to Section 267-27, Temporary Uses, of Article V, Supplementary Regulations, of Part 1, Standards, of Chapter 267, Zoning, of the Harford County Code, as amended, to read as follows:

Chapter 267. Zoning

Part 1. Standards.

Article V. Supplementary Regulations

Section 267-27. Temporary Uses.

Temporary uses shall be permitted, subject to the following:

B. Specific temporary uses. The temporary uses described below shall be subject to the following:

(8) (a) IN THIS PARAGRAPH (8), THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED:

(i) "COTTAGE HOUSE" MEANS A TEMPORARY SECOND DWELLING ON A SINGLE LOT.

(ii) "DISABILITY" MEANS A DISABLING PHYSICAL OR MENTAL CONDITION REQUIRING CONTINUING CARE AND ATTENTION.

(iii) "DEPARTMENT" MEANS THE DEPARTMENT OF PLANNING AND ZONING.

(iv) "RELATIVE" MEANS A GRANDPARENT, PARENT, CHILD, BROTHER, SISTER, AUNT, OR UNCLE.

(b) A COTTAGE HOUSE IS PERMITTED ON A SINGLE LOT IN THE AG, RR, R1, R2, RO, AND VR DISTRICTS, IF:

(i) THE PARCEL ON WHICH THE LOT IS LOCATED IS AT LEAST ~~15,000~~ 25,000 SQUARE FEET IN SIZE;

(ii) THE COTTAGE HOUSE MEETS THE SETBACK

1 REQUIREMENTS FOR TRANSIENT HOUSING USES, EXCEPT THAT IN THE AG
2 DISTRICT THE MINIMUM REAR YARD SETBACK FOR A COTTAGE HOUSE IS 40
3 FEET;

4 (iii) WHEN THE COTTAGE HOUSE IS A MOBILE HOME,
5 SKIRTING OF A COMPATIBLE MATERIAL IS SUBSTITUTED FOR A FOUNDATION;

6 (iv) THE LOT OWNER SUBMITS A LETTER OF APPROVAL
7 FROM THE HEALTH DEPARTMENT STATING THAT THE WATER AND SEWER
8 FACILITIES FOR THE COTTAGE HOUSE MEET HEALTH DEPARTMENT
9 REQUIREMENTS;

10 (v) THE LOT OWNER SUBMITS A COPY OF THE
11 PROPERTY DEED AND ANY HOMEOWNERS' ASSOCIATION AGREEMENT TO WHICH
12 THE LOT IS SUBJECT;

13 (vi) THE LOT OWNER LIVES IN 1 OF THE 2
14 DWELLINGS ON THE LOT;

15 (vii) A RELATIVE OF THE LOT OWNER LIVES IN THE
16 OTHER DWELLING; AND

17 (viii) EITHER THE LOT OWNER OR THE RELATIVE:

18 (A) IS MORE THAN 62 YEARS OLD; OR

19 (B) HAS A DISABILITY.

20 (c) IF AN APPLICATION FOR A COTTAGE HOUSE PERMIT
21 IS BASED UPON A DISABILITY OF THE LOT OWNER OR A DISABILITY OF A
22 RELATIVE OF THE LOT OWNER:

23 (i) THE APPLICATION SHALL INCLUDE A
24 PHYSICIAN'S STATEMENT DOCUMENTING THE DISABILITY;

25 (ii) EVERY 2 YEARS THE LOT OWNER SHALL SUBMIT
26 AN ADDITIONAL STATEMENT FROM A PHYSICIAN THAT DOCUMENTS THE LOT

1 OWNER'S OR RELATIVE'S CONTINUING DISABILITY; AND

2 (iii) AT LEAST 60 CALENDAR DAYS BEFORE THE
3 ADDITIONAL STATEMENT IS DUE, THE DEPARTMENT SHALL NOTIFY THE LOT
4 OWNER OF THE DATE BY WHICH THE STATEMENT IS DUE.

5 (d) IF THE COTTAGE HOUSE IS VISIBLE FROM A
6 RESIDENCE ON AN ADJACENT PARCEL, THE DEPARTMENT MAY REQUIRE THE
7 LOT OWNER TO PLANT A SCREEN OF EVERGREEN TREES OR SHRUBS BETWEEN
8 THE COTTAGE HOUSE AND THE RESIDENCE. THE SCREEN SHALL BE AT LEAST
9 10 FEET IN DEPTH, AND THE TREES OR SHRUBS SHALL BE AT LEAST 2 FEET
10 IN HEIGHT AT PLANTING AND SHALL BE CAPABLE OF FORMING A YEAR-ROUND
11 SCREEN WITHIN 3 YEARS.

12 (e) A PERMIT IS REVOKED WHEN:

13 (i) THE PARCEL IS TRANSFERRED OR ASSIGNED;

14 (ii) THE ADDITIONAL PHYSICIAN'S STATEMENT
15 REQUIRED BY SUBPARAGRAPH (c) OF THIS PARAGRAPH (8) IS NOT SUBMITTED
16 BY THE DUE DATE; OR

17 (iii) THE NEED FOR THE COTTAGE HOUSE ENDS.

18 (f) WHEN A PERMIT IS REVOKED, THE LOT OWNER SHALL
19 REMOVE THE COTTAGE HOUSE WITHIN 60 CALENDAR DAYS.

20 (g) USE OF A COTTAGE HOUSE UNDER THIS PARAGRAPH (8)
21 IS NOT GROUNDS FOR OR EVIDENCE OF HARDSHIP FOR A USE VARIANCE UNDER
22 SECTION 267-11.

23 (h) A COTTAGE HOUSE ON A PARCEL AT LEAST 15,000
24 SQUARE FEET BUT LESS THAN 25,000 SQUARE FEET IN SIZE MAY BE GRANTED
25 ONLY:

26 (i) IF IT CONFORMS TO ALL OTHER REQUIREMENTS

OF THIS PARAGRAPH (8); AND

(ii) AS A SPECIAL EXCEPTION.

(i) IF THE LOT OWNER SATISFIES THE REQUIREMENTS OF THIS PARAGRAPH (8), THE DEPARTMENT SHALL:

(i) ISSUE A PERMIT TO THE LOT OWNER 21 CALENDAR DAYS AFTER THE LOT OWNER SATISFIES THE REQUIREMENTS; AND

(ii) WITHIN 7 CALENDAR DAYS AFTER THE LOT OWNER SATISFIES THE REQUIREMENTS, NOTIFY BY MAIL EACH OWNER OF REAL PROPERTY ADJACENT TO THE LOT:

(A) THAT THE LOT OWNER HAS APPLIED FOR A COTTAGE HOUSE PERMIT AND HAS SATISFIED THE PERMIT REQUIREMENTS;

(B) THAT THE PERMIT IS TEMPORARY;

(C) THAT THE COTTAGE HOUSE MUST BE REMOVED WHEN THE PERMIT IS REVOKED UNDER SUBPARAGRAPH (E) OF THIS PARAGRAPH (8);

(D) OF THE REQUIREMENTS IMPOSED ON THE LOT OWNER; AND

(E) OF ANY OTHER INFORMATION THE DEPARTMENT DEEMS RELEVANT.

Section 2. And Be It Further Enacted, That Subsection F(3) of Section 267-53 of the Harford County Code, as amended, be, and it is hereby, repealed.

Section 3. And Be It Further Enacted, That ~~Subsections F(4), (5), (6), (7) and (8) of Section 267-53 of the Harford County Code, as amended, be, and they are hereby, renumbered to be Subsections F(3), (4), (5), (6) and (7), respectively.~~ new Subsection F(3) be,

1 and it is hereby, added to Section 267-53, Specific Standards, of
2 Article VIII, Special Exceptions, of Part 1, Standards, of chapter
3 267, Zoning, of the Harford County Code, as amended, all to read
4 as follows:

5 Chapter 267. Zoning.

6 Part 1. Standards.

7 Article VIII. Special Exceptions.

8 Section 267-53. Specific Standards.

9 F. (3) COTTAGE HOUSES. A COTTAGE HOUSE REQUIRING APPROVAL
10 AS A SPECIAL EXCEPTION UNDER §267-27 B.(8) OF THIS CHAPTER MAY BE
11 GRANTED IF IT CONFORMS TO THE REQUIREMENTS OF THAT SECTION.

12 Section 4. And Be It Further Enacted, That this Act shall take
13 effect 60 calendar days from the date it becomes law.

14 EFFECTIVE: September 4, 1990
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(AS AMENDED)

BY THE COUNCIL

BILL NO. 90-13 (As Amended)

Read the third time.

Passed: LSD 90-19 (June 5, 1990)

Failed of Passage: _____

By Order

Doris Poulsen, Secretary

Sealed with the County Seal and presented to the County Executive
for his approval this 6th day of June, 1990 at
3:00 o'clock P.M.

Doris Paulsen, Secretary

BY THE EXECUTIVE

APPROVED:

COUNTY EXECUTIVE

Date_____

Vetoed in toto this twenty-second day of June, 1990,
in accordance with Section 311 of the Charter
of Harford County, Maryland.

COUNTY EXECUTIVE

BY THE COUNCIL

This Bill, having been passed by the yeas of at least five (5) members of the Council notwithstanding the objections of the Executive, becomes law on July 3, 1990.

Doris Poulsen, Secretary

EFFECTIVE DATE: September 4, 1990

90-13

(AS AMENDED)